

Appl. No. 10/787,485

Attorney Docket No.: N1085-00199 [TSMC2003-0402]

Reply to Non-Final Official Action of February 28, 2007

[N1280-00155]

RECEIVED
CENTRAL FAX CENTER

JUN 26 2007

REMARKS

The Action indicates that Claims 1-5, 7-10, 12-15 and 17-26 were previously pending in this application and each was rejected. Claim 2 was canceled in the Amendment filed in response to the Final Office Action dated October 19, 2005.

Claims 1, 9, 10 and 15 are amended and claim 27 hereby added. Reconsideration of this application and allowance of each of Claims 1, 3-5, 7-10, 12-15 and 17-27 are respectfully requested.

Applicants take this opportunity to thank Examiner Adams for the opportunity given their undersigned counsel to discuss aspects of the invention in a telephonic Examiner Interview that took place on May 9, 2007 and for the Interview Summary mailed May 22, 2007.

Claim rejections under 35 U.S.C. §103(a)

The Action rejects Claims 1, 3-5, 7-10, 12-15 and 17-26 under 35 U.S.C. §103(a) for allegedly being obvious over Peiter (EP 1202325) in view of FIG. 3 of Applicant's disclosed prior art (APA).

Claim 1 recites "an elongated opening within a sidewall of the material stocker" and Claim 1 has been amended to recite "... the elongated opening accommodates both the first material transport subsystem and the second material transport subsystem and has a vertical dimension larger than a sum of vertical dimensions of at least two cassettes ..." (Emphasis added). Support for the amendment can be found at, for example, Paragraphs [0003] and [0020] and FIG. 4. No new matter is added.

Applicant submits that Peiter and the Applicant's Prior Art (APA) fail to teach or suggest that the elongated opening within a sidewall of the material stocker accommodates both the first material transport subsystem and the second material transport subsystem and has a vertical dimension larger than a sum of vertical dimensions of at least two cassettes.

Regarding Peiter, the elongated opening indicated in the Action dated February 28, 2007 is **horizontally configured and DOES NOT** have a vertical dimension larger than a sum of

Appl. No. 10/787,485

Attorney Docket No.: N1085-00199 [TSMC2003-0402]

Reply to Non-Final Official Action of February 28, 2007

[N1280-00155]

vertical dimensions of at least two cassettes. Nothing further in Peiter's description and drawings shows that an elongated opening has a vertical dimension larger than a sum of vertical dimensions of at least two cassettes. Accordingly, Peiter also fails to teach or suggest that the elongated opening has a vertical dimension larger than a sum of vertical dimensions of at least two cassettes. Importantly, the Office action concedes (page 2, lines 22-23) that Peiter "does not disclose an elongated opening within a stocker sidewall."

It is clear that Applicant's disclosed prior art (APA) also fails to teach or suggest the claimed feature, because the APA only shows that each transfer port accommodates only one corresponding OHT system and has an opening having a vertical dimension substantially equal to a vertical dimension of only one cassette as shown in Fig. 3. It is well known and conventional that each overhead transport system, e.g., 311, 409 accommodates only a single cassette height, i.e., cassettes are not be stacked on top of one another within a single interbay OHT system.

While the Office action refers to the "stocker sidewall opening 304" of the APA of FIG. 3, Applicants point out that feature 304 is a stocker and the sidewall openings of the stocker – ports 310, 314, 318 are each sized to accommodate only a single cassette and can each accommodate only a transport system at one height. As such, the Applicant's disclosed prior art does not teach or suggest the above-highlighted claimed features.

Since Peiter and APA fail to teach or suggest that the elongated opening within a sidewall of the material stocker accommodates both the first material transport subsystem and the second material transport subsystem and has a vertical dimension larger than a sum of vertical dimensions of at least two cassettes, a prima facie case of obviousness has not yet been established. Accordingly, one of ordinary skill in the art would not have been motivated by the APA to modify Peiter's system to achieve the features of the amended Claim 1. Alternatively stated, if one of ordinary skill in the art attempted to combine Peiter and the APA, the claimed invention would not result as neither reference, nor their combination, provides or suggests the elongated sidewall opening as discussed above. Claim 1 is distinguished from, and thus not obvious over, Peiter and the APA. Withdrawal of the rejection of Claim 1 is therefore respectfully requested.

Appl. No. 10/787,485

Reply to Non-Final Official Action of February 28, 2007

Attorney Docket No.: N1085-00199 [TSMC2003-0402]
[N1280-00155]

Claims 3-5, 7-9, 24 and 25 depend from Claim 1. Claims 3-5, 7-9, 24 and 25 are also not obvious over the art of record by the virtue of their dependencies. Withdrawal of the rejections of Claims 3-5, 7-9, 24 and 25 is respectfully requested.

Independent Claims 10 and 15 also recite an elongated opening within a sidewall of the material stocker and amended independent Claims 10 and 15 also recite the elongated opening accommodates both the first material transport subsystem and the second material transport subsystem and has a vertical dimension larger than a sum of vertical dimensions of at least two cassettes; . . .

Like Claim 1, Claims 10 and 15 are distinguished from, and not obvious over the combined teachings of Peiter and APA. Withdrawal of the rejections of Claims 10 and 15 is respectfully requested.

Claims 12-14 depend from Claim 10 and Claims 17-23 and 26 depend from Claim 15. Claims 12-14, 17-23 and 26 are also distinguished from the art of record by virtue of their dependencies. Withdrawal of the rejections of 12-14, 17-23 and 26 is therefore respectfully requested.

Based on the foregoing, withdrawal of the rejections of Claims 1, 3-5, 7-10, 12-15 and 17-26 are respectfully requested.

Claim 27 has been added to depend from claim 15 and to add further distinguishing features of the invention. Claim 27 is believed to be allowable by virtue of dependency from claim 15, which is believed allowable, as set forth above.

Appl. No. 10/787,485
Reply to Non-Final Official Action of February 28, 2007

Attorney Docket No.: N1085-00199 [TSMC2003-0402]
[N1280-00155]

Conclusion

RECEIVED
CENTRAL FAX CENTER

JUN 26 2007

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. Early notification to that effect is respectfully requested.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account 04-1679.

Respectfully submitted,

Dated: 26 JUNE 2007



Mark J. Marcelli, Reg. No. 36,593
Attorney for Applicants

DUANE MORRIS LLP
101 West Broadway, Suite 900
San Diego, CA 92101
Telephone: (619) 744-2200
Facsimile: (619) 744-2201